



DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 100

[Docket No. MSHA-2014-0009]

RIN 1219-AB72

Criteria and Procedures for Assessment of Civil Penalties

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Proposed rule; notice of public hearings; close of comment period.

SUMMARY: The Mine Safety and Health Administration (MSHA) will hold two public hearings on the Agency's proposed rule for Criteria and Procedures for Assessment of Civil Penalties.

DATES: MSHA will hold public hearings on December 4, 2014, and December 9, 2014, at the locations listed in the SUPPLEMENTARY INFORMATION section of this document. Post-hearing comments must be received or postmarked by midnight Eastern Time on January 9, 2015.

ADDRESSES: Submit comments, informational materials, and requests to speak, identified by RIN 1219-AB72 or Docket No. MSHA-2014-0009, by one of the following methods:

- *Federal E-Rulemaking Portal:*

<http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

- *E-Mail:* zzMSHA-comments@dol.gov. Include RIN 1219-AB72 or Docket No. MSHA-2014-0009 in the subject line of the message.
- *Mail:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209-3939.
- *Hand Delivery or Courier:* MSHA, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. Sign in at the receptionist's desk on the 21st floor.
- *Fax:* 202-693-9441.

Instructions: All submissions must include "MSHA" and "RIN 1219-AB72" or "Docket No. MSHA-2014-0009." Do not include personal information that you do not want publicly disclosed; MSHA will post all comments without change to <http://www.regulations.gov> and <http://www.msha.gov/currentcomments.asp>, including any personal information provided. For additional instructions for participation in Public Hearings on this rulemaking,

see the "Public Hearings" heading of the SUPPLEMENTARY INFORMATION section of this document.

Docket: For access to the docket to read comments received, go to <http://www.regulations.gov> or <http://www.msha.gov/currentcomments.asp>. To read background documents, go to <http://www.regulations.gov>. Review the docket in person at MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia, between 9:00 a.m. and 5:00 p.m. Monday through Friday, except Federal Holidays. Sign in at the receptionist's desk on the 21st floor.

E-mail notification: To subscribe to receive an e-mail notification when MSHA publishes rules, program information, instructions, and policy, in the *Federal Register*, go to <http://www.msha.gov/subscriptions/subscribe.aspx>.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Acting Director, Office of Standards, Regulations, and Variances, MSHA, at mcconnell.sheila.a@dol.gov (e-mail); 202-693-9440 (voice); or 202-693-9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

On July 31, 2014, (79 FR 44494), MSHA published a proposed rule, to amend its civil penalty regulation to

simplify the criteria, which will promote consistency, objectivity, and efficiency in the proposed assessment of civil penalties and facilitate the resolution of enforcement issues. The proposal would place a greater emphasis on the more serious safety and health conditions and provide improved safety and health for miners. MSHA is also proposing alternatives that would address the scope and applicability of its civil penalty regulation.

The comment period was scheduled to close on September 29, 2014. MSHA extended the comment period until December 3, 2014 (79 FR 55408) in response to commenters.

II. Public Hearings

In response to requests from the public, MSHA will hold two public hearings on the proposed rule to provide the public an opportunity to present their views on this rulemaking. The public hearings will begin at 9 a.m. and end no later than 5 p.m., or earlier if the last person presenting testimony has spoken. MSHA is holding the hearings on the following dates at the locations indicated:

Date	Location	Contact No.
Thursday,	Department of Labor	202-693-9440

December 4, 2014	Mine Safety and Health Administration 1100 Wilson Boulevard, 25 th Floor Arlington, VA 22209-3939	
Tuesday, December 9, 2014	Courtyard by Marriott Denver Downtown 934 16 th Street Denver, CO 80202	303-571-1114

The hearings will begin with an opening statement from MSHA, followed by oral presentations from members of the public. Persons do not have to make a written request to speak; however, MSHA will give priority to persons who have notified us, in advance, of their intent to speak and will provide others an opportunity to present oral testimony if time allows. Persons and organizations wishing to speak are encouraged to notify MSHA in advance for scheduling purposes. MSHA requests that parties making presentations at the hearings submit them no later than five days prior to the hearing. Testimony, presentations, and accompanying documentation will be included in the rulemaking record.

The hearings will be conducted in an informal manner. Formal rules of evidence and cross examination will not apply. The hearing panel may ask questions of speakers and speakers may ask questions of the hearing panel. Verbatim transcripts of the proceedings will be prepared and made a part of the rulemaking record. Copies of the transcripts will be available to the public on

<http://www.regulations.gov> and on MSHA's website at
<http://www.msha.gov/tscripts.htm>.

Dated: November 3, 2014

Joseph A. Main,
Assistant Secretary of Labor
for Mine Safety and Health

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